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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,972	04/20/2001	Amy E. Battles	10007461-1	1252

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 09/28/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/838,972

Applicant(s)

BATTLES, AMY E.

Examiner

Mike Rahmjoo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19- 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 21 line 9 recites "...to other images...". It is not clear what these other image are and which images they refer to and perhaps they are on or outside the computer.

As per claim 26 line 6 recites "...arranged in to optimize image and reduce waste space...". It is not clear how images can be "arranged" and at the same time images can perform "optimize". No clear distinction of applicant's objective is made.

As per claim 19 line 2 recites "...to the user...". There is insufficient antecedent basis for this limitation in the claim.

Claim 20 is indefinite because they depend on indefinite antecedent claims.

Claim 28 line 9 recites the limitation "...the individual pictorial images...".

There is insufficient antecedent basis for this limitation in the claim.

Claims 22- 25, 27 and 29- 31 are indefinite because they depend on indefinite antecedent claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5- 13, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sciammarella et al (US Patent 5,912,668), hereinafter, Sciammarella.

As per claims 1, 19, and 20 Sciammarella teaches displaying an image to the user see for example figures 1 and 3; receiving information from the user for said image, said information comprising ranking information (arrangement of images) see for example column 3 lines 65- 67 wherein arrangement is user selectable via the zooming menu and anchor 102; and sizing said image based on said ranking information see for example figures 2- 3, column 4 lines 1- 10

wherein controlling f the sizing is done through 102 in a particular arrangement and column 3 lines 65- 67 for arrangement of the images through the zooming menu based on various criteria.

As per claim 2 Sciammarella teaches generating an album page including said sized image see for example figure 3 and column 4 lines 25- 42 wherein images are arranged based on a sizing and configuration.

As per claim 5 Sciammarella teaches storing said ranking information (options on the zooming menu) in association with said image data see for example column 3 lines 65- 67.

As per claim 6 Sciammarella teaches repeating said displaying and said receiving for a plurality of images, before said sizing see for example figures 1A- B, and column 4 lines 25- 42.

As per claim 7 Sciammarella teaches said sizing comprises sizing to zero all images (group of images hidden) associated with ranking information having a value less than a particular value see for example column 3 lines 10- 15.

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As per claim 8 Sciammarella teaches generating an album page that excludes said images sized to zero see for example figure 3 wherein the album page along with ranking information is depicted.

As per claim 9 Sciammarella teaches said ranking information has one of a plurality of discrete values see for example column 4 lines 1- 5 (various criteria such as functionality, currentness, and aestheticism).

As per claim 10 Sciammarella teaches said sizing comprises selecting a

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discrete image size corresponding to said ranking information see for example column 4 lines 20- 24 wherein images are displayed in various sizes according to the time and date of creation of each page.

As per claim 11 Sciammarella teaches said ranking information is received from a keyboard see for example column 2 line 45- 50.

As per claim 12 Sciammarella teaches said ranking information is received from a mouse see for example column 2 line 45- 50.

As per claim 13 Sciammarella teaches said ranking information is received from a selection control (menu) see for example column 3 lines 65- 67.

As per claim 20 Sciammarella teaches instructions for sizing said image based on said ranking information see for example figures 2 a- c and column 4 lines 1- 10 wherein controlling f the sizing is done through 102 in a particular arrangement.

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### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 14- 18, and 21- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sciammarell in view of Wang et al (US Patent 6,028,603), hereinafter, Wang .

As per claim 3 Sciammarella does not teach printing said album page.

However, Wang teaches printing said album pages see for example column 4 line 64.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Wang into Sciammarella to create elaborate and creative documents such as images and photographs and to print album pages so as to have hard copies of images and photographs on the screen which adds to the versatility of the device, therefore increasing the interactivity between a user and a computer system by providing a paper version of the images and the photographs see for example column 1 lines 10- 64.

As per claim 4 Wang teaches a photographic image see for example column 10 lines 30- 40.

As per claim 15 and in light of rejections of claim 1, Wang teaches a camera see for example column 10 lines 25- 50.

As per claim 16 and in light of rejections of claim 1, Wang inherently teaches an enter control (the control button for taking pictures) electrically connected to said camera processor see for example column 10 lines 25- 50.

As per claim 17 Sciammarella teaches at least one ranking control controls a cursor on said camera display see for example column 3 lines 38- 47.

As per claim 18 Sciammarella inherently teaches at least one ranking control controls highlighting of a ranking option (option button on the zooming menu which upon selection is highlighted) on said camera display see for example column 3 lines 65- 67.

As per claims 14, 21, and 28, these claims are similar in scope to claims 1- 10 and are rejected with the same rational. In addition, Sciammarella teaches mutually relative ranking see for example column 4 lines 1- 3 wherein display of images is based on various criteria; e.g. currentness which ranks images mutually relative to one another based on time ( $t$ ,  $t-1$ , ...,  $t-(n-1)$ ,  $t-n$ ).

As per claims 22- 23 Sciammarella teaches ranking the displayed image relative to other images based on the criterion of subjective value to a user see and generating and associating a ranking data block (various criterion such as functionality, currentness, and aestheticism, each constituting a data block) for example column 3 line 67 through column 7 lines 1- 3 wherein user may structure the display of images through various criterion.

As per claim 24 and in light of rejections of claims 1- 10, Wang teaches transmitting the album page image to a web server see for example figures 1- 2.

As per claims 25 and 29 and in light of rejections of claims 1- 10, Sciammarella teaches plurality of sized pictorial images arranged in chronological order see for example column 4 lines 1- 2 (currentness) and figure



3. Wang also teaches sized pictorial images in a numerical order see for example figures 4 and 12.

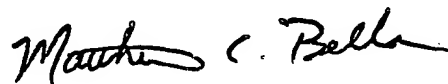
As per claims 26 and 30 and in light of rejections of claims 1- 10, Wang teaches plurality of sized images arranged in to optimize image layout and reduce wasted space see for example figures 3- 4.

As per claims 27 and 31 and in light of rejections of claims 1- 10, Sciammarella teaches sizing the plurality pictorial images for the individual album page before the album page is generated see for example figure 3 and column 3 lines 65- 67 wherein arrangement of the images is done through the zooming menu.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure; US Patent 6,690,843, and US PAP 2002/0122067, 2002/0145614.

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MATTHEW C. BELLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

### **Inquiry**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

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Mike Rahmjoo

September 21, 2004